

WGUC-FM
1223 Central Parkway
Cincinnati, Ohio 45214
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July 16, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket No. 99-325

Dear Ms. Dortch:

On behalf of Cincinnati Classical Public Radio, Inc., licensee of WGUC-FM, Cincinnati, Ohio, I am writing in response to the Federal Communications Commission's Further Notice of Proposed Rulemaking in this proceeding. WGUC is a Class C FM station broadcasting at 90.9 MHz. On July 26, 2003, WGUC commenced digital broadcasts using iBiquity Digital Corporation's HD Radio™ system. Cincinnati Classical Public Radio, Inc., is pleased to have had the opportunity to be one of the first stations to implement the HD Radio system in Ohio.

Cincinnati Classical Public Radio, Inc., strongly supports the FCC's efforts to promote the adoption of digital radio and to develop final rules for digital service. Although the existing interim rules for digital broadcasts have allowed pioneering stations such as WGUC to commence service, the rollout of HD Radio is sufficiently advanced to warrant a prompt implementation of permanent IBOC rules. Cincinnati Classical Public Radio, Inc., has been very pleased with its HD Radio experience. WGUC did not encounter any significant problems with the conversion process and has been satisfied with the ease of implementation of the HD Radio system. Cincinnati Classical Public Radio, Inc., is impressed with the quality and reliability of the digital signal and believes this will bring significant benefits to WGUC's listeners. In our eleven months of operation, we have not encountered any interference problems or listener complaints relating to our digital broadcasts.

While the rollout of HD Radio receivers has been frustratingly so for pioneer adopters of this technology such as WGUC, we know from letters, e-mails, and telephone inquiries from our listeners that our audience is keenly interested in the enhanced audio quality and promising new features of HD Radio.

We also know, from recent discussions with our State and Federal legislative delegations, that there is interest in and support for our digital radio service among these parties.

Cincinnati Classical Public Radio, Inc., encourages the FCC to take several steps in this proceeding to foster the digital conversion for radio. Cincinnati Classical Public Radio, Inc., supports the FCC's proposal to adopt final technical and operational rules for the digital service. The designation of IBOC service as a permanent authorization rather than an interim service will provide greater regulatory certainty for broadcasters and equipment manufacturers and encourage adoption of digital technology.

The Commission also should promote policies that provide broadcasters and receiver manufacturers with the flexibility necessary to fully realize the benefits of HD Radio technology. The Commission's rules on digital service should not impose greater burdens on the digital broadcast than currently exist for analog broadcasts. We believe an overly regulatory approach will discourage widespread adoption of the technology. The test results presented to the broadcast industry over the past several years have demonstrated that IBOC presents little risk of widespread interference to existing analog broadcasts. Cincinnati Classical Public Radio's experience with WGUC has confirmed IBOC's ability to operate efficiently and without interference. In this environment there is no need for the FCC to unduly burden the digital broadcast with detailed regulations.

The FCC recently authorized FM stations operating digitally to use a separate antenna implementation for their digital signal. Cincinnati Classical Public Radio, Inc., encourages the Commission to write its final IBOC rules to permanently provide broadcasters flexibility to implement IBOC in the most effective manner available for each station. The Commission should use its existing equipment certification procedures to regulate the broadcast equipment used for digital broadcasts but should not burden the radio industry with a requirement that every innovation in HD Radio implementation receive prior Commission authorization. It is likely that the first several years of station implementations will see many innovations and improvements in digital operations. All stations that are able to take advantage of these innovations should have that opportunity without the need for Commission authorization on a station by station basis.

The Commission's Further Notice asks questions about new datacasting and multicasting services that can be introduced using HD Radio technology. Cincinnati Classical Public Radio, Inc., supports the development of FCC rules to provide broadcasters great latitude in the introduction of new audio and data services. Broadcasters should be authorized to use scaling of the audio codec and the system's extended hybrid mode to introduce new audio and data services that can co-exist with a station's main program audio service. The HD Radio system includes tremendous flexibility for broadcasters to develop innovative new services. Over regulation of this technology at the early stage of its implementation will stifle the development of innovative services that will benefit listeners. In this regard, the Commission should authorize stations that are able to develop useful services to offer subscription based services that may promote faster adoption of digital technology.

Cincinnati Classical Public Radio, Inc., would oppose any attempt to impose fees for broadcaster datacasting or multicasting services, even if offered on a subscription basis. Unlike the situation for the digital television conversion, the FCC has not allocated additional spectrum for radio broadcasters to accommodate the new digital signal. In the case of digital television, Congress and the FCC justified imposing fees on new services offered in conjunction with the digital television signal based on the allocation of additional spectrum for each broadcast. In the case of radio, where there has been no new spectrum, the FCC should not impose fees on ancillary services that are supported by the HD Radio system. The FCC currently authorizes subsidiary communication services that operate with existing analog FM without charging broadcasters for the opportunity to offer these services. There are no fees imposed even for subscription SCA services. The datacasting and multicasting features of the HD Radio system are digital upgrades to existing SCA services and should not give rise to a new class of fees that would unfairly burden the digital service for offerings that are analogous to current analog services.

Cincinnati Classical Public Radio, Inc., appreciates the opportunity to offer its views on the Commission's proposals and encourages the FCC to expedite its completion of its IBOC rules.

Respectfully submitted,

Richard N. Eiswerth
President, General Manager & CEO
Cincinnati Classical Public Radio, Inc.